

REMARKS

STATUS OF CLAIMS:

Claims 1-14 are pending in the application. Claim 15 is objected to.

35 U.S.C. 101:

The invention of claim 12 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter because the Examiner asserts that the claimed pattern may be considered data. The Examiner proposes to amend claim 12 to connect the pattern to some physical object that permits the functionality of the pattern to be realized. Accordingly, Applicant has amended claim 12 to recite a printing medium having the correction pattern and respectfully requests the rejection under 35 U.S.C. § 101 to be withdrawn because the claimed pattern is associated with a physical object.

35 USC § 112:

Claims 3, 4, 6, 7, 9-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. First, the Examiner asserts that the parent claims do not positively recite the formation of the pattern, but instead recite that the apparatus is "capable" of forming the pattern. The Examiner then contends that subsequent language such as "the printed pattern," which requires the pattern to be printed, is indefinite. Applicant has amended claims 1, 2, 11 and 13 to more positively recite that a pattern is created.

The Examiner asserts that in claim 4, the term "the plurality of patterns for each of said virtual circumference segments corresponding to one correction amount" lacks antecedent basis.

Applicant has amended claim 4 to clarify its recitations. The Examiner also asserts that the last line in claims 10 and 11 is unclear. Applicant has amended the last lines of claims 10 and 11 for clarification of language, and respectfully submits that their scope is clear.

The Examiner rejects claim 13 because she asserts that it is not clear how a storage medium can have a memory. The Examiner also asserts that it is not clear how a program can be “capable” of performing something. Applicant has amended claim 13 to address the Examiner’s concerns.

In view of the above, Applicant respectfully submits that claims 3, 4, 6, 7, 9-11 and 13 are not indefinite and requests the rejection thereof under 35 U.S.C. § 112, second paragraph, to be withdrawn.

CLAIM OBJECTIONS:

Claims 1, 11, 13, 14 and 15 are objected to because the language “setting a correction amount corresponding to one of the patterns to each said virtual circumference segment”, as found in the last two lines of claims 1, 13, 14 and 15, and line 12 of claim 11, is unclear. Applicant has amended these claims to recite “for each virtual circumference segment, setting a correction amount corresponding to one of the patterns.” Applicant respectfully submits that the language of these claims is clear and requests the rejection to be withdrawn.

The Examiner lastly asserts that the word “pattern” in line 1 of claim 12 should be changed to “patterns.” Applicant has amended claim 12 accordingly.

35 USC § 102:

Claims 1-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Arquilevich et al. (U.S. 6,137,592 [hereinafter "Arquilevich"]).

Claims 1-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beauchamp et al. (U.S. 6,137,592 [hereinafter "Beauchamp"])¹.

Applicant respectfully traverses the prior art rejections in view of the following remarks. The Examiner contends that both Arquilevich and Beauchamp are "capable" of providing the claimed features. Applicant respectfully submits that amended independent claims 1, 11, 13 and 14 positively recite the claimed features regarding the correction amount and pattern, and are not anticipated by the applied references. For example, claim 1 describes that the printing apparatus, for each virtual circumference segment, sets a correction amount corresponding to one of the patterns. At least this feature is not disclosed by Arquilevich or Beauchamp. Independent claims 11, 13 and 14 contain similar features, which are likewise not disclosed by the references. The Examiner actually acknowledges that the references do not disclose setting a correction amount corresponding to one of the patterns to each virtual circumference segment, and do not disclose to set a correction amount for each virtual circumference segment. (See page 8, section 8 of the Office Action).

Applicant respectfully submits that the features of claims 1, 11, 13 and 14 are not disclosed by Arquilevich and Beauchamp, such that the rejections under 35 U.S.C. § 102(b)

¹ Applicant has assumed that the Examiner intended to cite Beauchamp et al. U.S. Pat. No. "5,448,269."

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/780,861

Attorney Docket No.: Q79907


should be withdrawn, and that the rejection of claims 2-10 should likewise be withdrawn at least by virtue of these claims respectively depending on claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

 *Kathy G. Hyndman*
Res. No. 39,234

Daniel V. Williams
Registration No. 45,221

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 2, 2005